

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

GOLDEN WARDLE,)	
)	
Claimant,)	IC 96-006992
)	
v.)	
)	ORDER
WATER & WASTEWATER)	
EQUIPMENT COMPANY,)	Filed August 7, 2006
)	
Employer,)	
)	
and)	
)	
IDAHO ASSURANCE GUARANTY)	
ASSOCIATION, as successor in interest)	
of FREMONT INDEMNITY COMPANY,)	
)	
Surety,)	
)	
Defendants.)	
)	

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. The five-year statute of limitation found in Idaho Code § 72-706(2) is tolled by Employer's willful failure to file an I.C. Form 1 and Claimant's Complaint is, therefore, timely filed and not subject to dismissal.

2. The remaining issue regarding whether Surety misled Claimant to his prejudice is moot.

3. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this __7th__ day of __August__, 2006.

INDUSTRIAL COMMISSION

____/s/_____
Thomas E. Limbaugh, Chairman

____/s/_____
James F. Kile, Commissioner

____/s/_____
R. D. Maynard, Commissioner

ATTEST:

____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __7th__ day of __August__, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

GARDNER W SKINNER
PO BOX 359
BOISE ID 83701-0359

GLENNA M CHRISTENSEN
PO BOX 829
BOISE ID 83701-0829

____/s/_____

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